

Amendment under 37 C.F.R. §1.114  
Attorney Docket No.: 031029  
Application No.: 10/647,247

### **REMARKS**

Claims 1, 3, 5-11 and 14-19 are pending in the present application. Claims 1 and 10 are herein amended. Claims 12 and 13 have been cancelled. No new matter has been entered.

### **Claim Rejections – 35 U.S.C. §§ 102 and 103**

Claims 1, 3, 5, 6, 8-15 and 18-19 were rejected under 35 U.S.C. § 102(b) as being anticipated by **Kanda** (EP 1152036); claim 7 was rejected under 35 U.S.C. § 103(a) as being unpatentable over **Kanda** in view of **Suzuki** (US 6,043,145); and claims 16 and 17 were rejected under 35 U.S.C. § 103(a) as being unpatentable over **Kanda** in view of **Takahashi** (US 537,719) and **Tanaka** (US 6,555,617).

Favorable reconsideration is requested.

Claim 1 has been amended to recite that the resist pattern smoothing material comprises at least one of polyoxyalkylene alkylether surfactant, cationic surfactants, anionic surfactants, and amphoteric surfactants. (*See, e.g.*, specification, pages 15-16.)

Applicants respectfully submit that Kanda does not teach or suggest “wherein the resist pattern smoothing material comprises at least one of polyoxyalkylene alkylether surfactant, cationic surfactants, anionic surfactants, and amphoteric surfactants” as recited in amended claim 1.

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**Double Patenting Rejection**

Claims 1-19 were provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-21 of copending Application No. 10/290,493.

Applicants will address the provisional double patenting rejection once all other rejections have been withdrawn.

For at least the foregoing reasons, claims 1, 3, 5-11 and 14-19 are patentable over the cited references. Accordingly, withdrawal of the rejection of claims 1, 3, 5-11 and 14-19 is hereby solicited.

In view of the aforementioned amendments and accompanying remarks, Applicants submit that the claims, as herein amended, are in condition for allowance. Applicants request such action at an early date.

If the Examiner believes that this application is not now in condition for allowance, the Examiner is requested to contact the undersigned attorney at the telephone number indicated below to arrange for an interview to expedite the disposition of this case.

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If this paper is not timely filed, Applicants respectfully petition for an appropriate extension of time. The fees for such an extension or any other fees that may be due with respect to this paper may be charged to Deposit Account No. 50-2866.

Respectfully submitted,

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